

# EXHIBIT G

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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

ALEXANDRA RASEY-SMITH;  
GORDON GENE MACCANI; and  
JANET MACCANI,

Plaintiffs,

vs.

CITY OF LOS ANGELES; CALEB  
GARCIA ALAMILLA; and DOES 24-  
10, inclusive,

Defendants.

Case No. 2:24-cv-03265-MWC-SSC

**[PROPOSED] FIRST AMENDED  
COMPLAINT FOR DAMAGES**

1. Unreasonable Search and Seizure—  
Excessive Force (42 U.S.C. § 1983)
2. Unreasonable Search and Seizure—  
Denial of Medical Care (42 U.S.C.  
§ 1983)
3. Substantive Due Process (42 U.S.C.  
§ 1983)
4. Battery (Wrongful Death and  
Survival Damages)
5. Negligence (Wrongful Death and  
Survival Damages)
6. Violation of Bane Act (Cal. Civil  
Code § 52.1)

**DEMAND FOR JURY TRIAL**

**COMPLAINT FOR DAMAGES**

1. Plaintiffs ALEXANDRA RASEY-SMITH, GORDON GENE MACCANI  
and JANET MACCANI, for their complaint against Defendants CITY OF LOS  
ANGELES, CALEB GARCIA ALAMILLA and Does 24-10, inclusive, allege as  
follows:

**INTRODUCTION**

2. This civil rights action seeks compensatory and punitive damages from Defendants for violating various rights under state law and the United States Constitution in connection with the fatal officer involved shooting of Jason Maccani (“DECEDENT”), by members of the Los Angeles Police Department (“LAPD”).

**PARTIES**

3. At all relevant times, Jason Maccani (“DECEDENT”), was an individual residing in the County of Los Angeles, California.

4. Plaintiff ALEXANDRA RASEY-SMITH is an individual residing in the County of Los Angeles, and was the wife of the DECEDENT. ALEXANDRA RASEY-SMITH sues both in her individual capacity as the wife of DECEDENT and in a representative capacity as a successor-in-interest to DECEDENT. Plaintiff ALEXANDRA RASEY-SMITH seeks both survival damages, including DECEDENT’s pain and suffering and loss of enjoyment of life and wrongful death damages under state and federal law.

5. Plaintiff GORDON GENE MACCANI is an individual residing in the County of Los Angeles, California, and is the natural father to DECEDENT. GORDON GENE MACCANI sues in his individual capacity as the father of DECEDENT. GORDON GENE MACCANI seeks wrongful death damages under state and federal law.

6. Plaintiff JANET MACCANI is an individual residing in Clark County, Nevada, and is the natural mother to DECEDENT. JANET MACCANI sues in her individual capacity as the mother of DECEDENT. JANET MACCANI seeks wrongful death damages under state and federal law.

7. At all relevant times, Defendant CITY OF LOS ANGELES (“CITY”) is and was a duly organized public entity, form unknown, existing under the laws of the State of California. At all relevant times, CITY was the employer of Defendants

1 CALEB GARCIA ALAMILLA and DOES 24-3, who were CITY police officers,  
2 DOES 4-6, who were CITY police officers' supervisory officers, and DOES 7-10,  
3 who were managerial, supervisory, and policymaking employees of the CITY's  
4 police department. On information and belief, at all relevant times, CALEB  
5 GARCIA ALAMILLA and DOES 24-10 were residents of the County of Los  
6 Angeles, California. CALEB GARCIA ALAMILLA and DOES 24-10 are sued in  
7 their individual capacity for damages only.

8 8. At all relevant times, Defendants CALEB GARCIA ALAMILLA and  
9 DOES 24-10 were duly authorized employees and agents of CITY, who were acting  
10 under color of law within the course and scope of their respective duties as police  
11 officers ~~sheriff's deputies~~ and with the complete authority and ratification of their  
12 principal, Defendant CITY.

13 9. At all relevant times, Defendants CALEB GARCIA ALAMILLA and  
14 DOES 24-10 were duly appointed officers and/or employees or agents of CITY,  
15 subject to oversight and supervision by CITY's elected and non-elected officials.

16 10. In doing the acts and failing and omitting to act as hereinafter described,  
17 Defendants CALEB GARCIA ALAMILLA and DOES 24-10 were acting on the  
18 implied and actual permission and consent of CITY.

19 11. At all times mentioned herein, each and every CITY defendant was the  
20 agent of each and every other CITY defendant and had the legal duty to oversee and  
21 supervise the hiring, conduct and employment of each and every CITY defendant.

22 12. The true names of defendants DOES 24 through 120, inclusive, are  
23 unknown to PLAINTIFFS, who therefore sue these defendants by such fictitious  
24 names. PLAINTIFFS will seek leave to amend this complaint to show the true  
25 names and capacities of these defendants when they have been ascertained. Each  
26 of the fictitious named defendants is responsible in some manner for the conduct  
27 and liabilities alleged herein.  
28

1 13. On February 23, 2024, PLAINTIFFS served their claims for damages with  
2 CITY pursuant to applicable sections of the California Government Code.

3 14. On March 19, 2024, CITY rejected PLAINTIFFS' claims for damages.

4 **JURISDICTION AND VENUE**

5 15. This civil action is brought for the redress of alleged deprivations of  
6 constitutional rights as protected by 42 U.S.C. §§ 1983, 1985, 1986, 1988, and the  
7 Fourth and Fourteenth Amendments of the United States Constitution. Jurisdiction  
8 is founded on 28 U.S.C. §§ 1331, 1343, and 1367.

9 16. Venue is proper in this Court under 28 U.S.C. § 1391(b), because  
10 Defendants reside in, and all incidents, events, and occurrences giving rise to this  
11 action occurred in, the County of Los Angeles, California.

12  
13 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

14 17. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
15 through 16 of this Complaint with the same force and effect as if fully set forth  
16 herein.

17 18. On February 3, 2024, DECEDENT was on the 800 Block of East 7th Street,  
18 in Los Angeles. While at this location, CALEB GARCIA ALAMILLA ~~the~~  
19 ~~involved CITY police officers discharged his~~ their firearms at DECEDENT, striking  
20 him, causing serious physical injury and eventually killing him.

21 19. DECEDENT had a white plastic fork in one of his hands at the time of the  
22 incident and he was not armed with a knife or gun, during the encounter with  
23 police. The white plastic fork in Decedent's hand did not resemble a knife or any  
24 other dangerous weapon, and was, or should have been, easily distinguishable from  
25 a knife or a gun.

26 20. There were less than lethal alternatives to using deadly force against  
27 DECEDENT, especially since he only had a plastic fork in his hands. These  
28 weapons include less lethal shotguns and 40mm rounds, taser guns, pepper spray

1 and simply going hands on with DECEDENT. DECEDENT was also significantly  
2 out-numbered by the involved officers and he did not physically injure anyone,  
3 including the involved officers, during the incident.

4 21. CALEB GARCIA ALAMILLA ~~The involved officers~~ did not give  
5 DECEDENT a verbal warning that deadly force would be used before ~~he~~<sup>they</sup> shot  
6 him, despite being feasible to do so.

7 22. DECEDENT did not physically injure anyone during the incident and he did  
8 not pose an immediate or imminent threat of death or serious physical injury to  
9 either the involved officers or any other person at the time of the shooting.  
10 DECEDENT was not about to kill or cause serious bodily injury to anyone when he  
11 was fatally shot by the involved officers and he did not disarm or try to take any of  
12 the officers' guns. The conduct of DECEDENT was not immediately life  
13 threatening, making the use of deadly force against him unnecessary.

14 23. On information and belief, the involved officers did not provide timely  
15 medical care to DECEDENT, they did not timely summons medical assistance for  
16 DECEDENT, and/or they prevented medical assistance from being timely provided  
17 to DECEDENT.

18  
19 **FIRST CLAIM FOR RELIEF**

20 **Unreasonable Search and Seizure—Excessive Force (42 U.S.C. § 1983)**

21 (By Plaintiff Alexandra Rasey-Smith against CALEB GARCIA ALAMILLA ~~Does~~  
22 1-3)

23 24. Plaintiff repeats and realleges each and every allegation in paragraphs 1  
24 through 23 of this Complaint with the same force and effect as if fully set forth  
25 herein.

26 25. CALEB GARCIA ALAMILLA ~~The involved officers~~ unjustified shooting  
27 deprived DECEDENT of his right to be secure in his persons against unreasonable  
28 searches and seizures as guaranteed to DECEDENT under the Fourth Amendment

1 to the United States Constitution and applied to state actors by the Fourteenth  
2 Amendment.

3 26. The unreasonable use of force by CALEB GARCIA ALAMILLA involved  
4 ~~officers~~ deprived DECEDENT of his right to be secure in his person against  
5 unreasonable searches and seizures as guaranteed to him under the Fourth  
6 Amendment to the United States Constitution and applied to state actors by the  
7 Fourteenth Amendment. This unreasonable and excessive use of force includes  
8 fatally shooting an individual holding a white plastic fork, which is not a dangerous  
9 weapon and does not resemble a dangerous weapon. There were also several less  
10 than lethal alternatives such as the bean bag shotgun, tasers and pepper spray.  
11 DECEDENT was also significantly outnumbered by the involved police officers  
12 and most of the involved officers did not fire their guns, which further supports that  
13 a reasonable officer under similar circumstances would not have found it  
14 appropriate to use deadly force under against DECEDENT.

15 27. As a result, DECEDENT suffered extreme mental and physical pain  
16 and suffering, loss of enjoyment of life and eventually suffered a loss of life and of  
17 earning capacity. Plaintiff has also been deprived of the life-long love,  
18 companionship, comfort, support, society, care, and sustenance of DECEDENT, and  
19 will continue to be so deprived for the remainder of her natural life.

20 28. As a result of the conduct of the involved officers, they are liable for  
21 DECEDENT's injuries, either because they were integral participants in the  
22 excessive force, or because they failed to intervene to prevent these violations.

23 29. This use of deadly force was excessive and unreasonable under the  
24 circumstances, especially since DECEDENT was only holding a plastic fork, he  
25 never physically injured anyone, he did take or try to obtain any of the officers' guns  
26 and he did not pose an immediate threat of death or serious bodily injury at the time  
27 of the shooting. CALEB GARCIA ALAMILLA ~~The involved officers~~ also did not  
28 give DECEDENT a verbal warning that deadly force would be used before ~~he~~ they

1 shot him, despite being feasible to do so. Defendants' actions thus deprived  
2 DECEDENT of his right to be free from unreasonable searches and seizures under  
3 the Fourth Amendment and applied to state actors by the Fourteenth Amendment.

4 30. The conduct of CALEB GARCIA ALAMILLA ~~the involved officers~~  
5 was willful, wanton, malicious, and done with reckless disregard for the rights and  
6 safety of DECEDENT and therefore warrants the imposition of exemplary and  
7 punitive damages as to the involved officers.

8 31. Plaintiff brings this claim as successor-in-interest to the DECEDENT,  
9 and seeks both survival damages, including DECEDENT's pain and suffering and  
10 loss of life/enjoyment of life and wrongful death damages for the violation of  
11 DECEDENT's rights.

12 32. Plaintiff also seeks attorney fees under this claim.

13  
14 **SECOND CLAIM FOR RELIEF**

15 **Unreasonable Search and Seizure—Denial of Medical Care (42 U.S.C. § 1983)**

16 (By Plaintiff Alexandra Rasey-Smith against Defendants CALEB GARCIA  
17 ALAMILLA ~~Does 1-3~~)

18 33. Plaintiff repeats and realleges each and every allegation in paragraphs 1  
19 through 32 of this Complaint with the same force and effect as if fully set forth  
20 herein.

21 34. The denial of medical care by Defendant CALEB GARCIA  
22 ALAMILLA ~~Does 1-3~~ deprived DECEDENT of his right to be secure in his person  
23 against unreasonable searches and seizures as guaranteed to DECEDENT under the  
24 Fourth Amendment to the United States Constitution and applied to state actors by  
25 the Fourteenth Amendment.

26 35. As a result, DECEDENT suffered extreme mental and physical pain  
27 and suffering and eventually suffered a loss of life and earning capacity. Plaintiff  
28 has also been deprived of the life-long love, companionship, comfort, support,



1 society, care, and sustenance of DECEDENT, and will continue to be so deprived  
2 for the remainder of her natural life. Plaintiff is also claiming funeral and burial  
3 expenses and a loss of financial support.

4 36. CALEB GARCIA ALAMILLA ~~Defendant Does 1-3~~ knew that failure  
5 to provide timely medical treatment to DECEDENT could result in further  
6 significant injury or the unnecessary and wanton infliction of pain, but disregarded  
7 that serious medical need, causing DECEDENT great bodily harm and death.

8 37. After shooting DECEDENT multiple times, CALEB GARCIA  
9 ALAMILLA ~~DOES 1-3~~ did not timely summons medical attention for  
10 DECEDENT, who was bleeding profusely and had obvious serious injuries, and  
11 DOES 1-3 also did not allow and prevented responding medical personnel on-scene  
12 to timely render medical aid/assistance to DECEDENT.

13 38. The conduct of CALEB GARCIA ALAMILLA ~~Does 1-3~~ was willful,  
14 wanton, malicious, and done with reckless disregard for the rights and safety of  
15 DECEDENT and therefore warrants the imposition of exemplary and punitive  
16 damages as to CALEB GARCIA ALAMILLA ~~Defendant Does 1-3~~.

17 39. Plaintiffs bring this claim as a successors-in-interest to DECEDENT,  
18 and seek both survival and wrongful death damages for the violation of  
19 DECEDENT's rights.

20 40. Plaintiff also seeks attorney's fees under this claim.

21 **THIRD CLAIM FOR RELIEF**

22 **Substantive Due Process (42 U.S.C. § 1983)**

23 (By all Plaintiffs against Defendant CALEB GARCIA ALAMILLA ~~DOES 1-3~~)

24 41. Plaintiffs repeat and reallege each and every allegation in  
25 paragraphs 1 through 40 of this Complaint with the same force and effect as if fully  
26 set forth herein.

27 42. ALEXANDRA RASEY-SMITH and had a cognizable interest under  
28 the Due Process Clause of the Fourteenth Amendment of the United States

1 Constitution to be free from state actions that deprive her of life, liberty, or property  
2 in such a manner as to shock the conscience, including but not limited to,  
3 unwarranted state interference in Plaintiff's familial relationship with her husband,  
4 DECEDENT.

5 43. GORDON GENE MACCANI had a cognizable interest under the Due  
6 Process Clause of the Fourteenth Amendment of the United States Constitution to be  
7 free from state actions that deprive him of life, liberty, or property in such a manner  
8 as to shock the conscience, including but not limited to, unwarranted state  
9 interference in Plaintiff's familial relationship with his son, DECEDENT.

10  
11 44. JANET MACCANI had a cognizable interest under the Due Process  
12 Clause of the Fourteenth Amendment of the United States Constitution to be free  
13 from state actions that deprive her of life, liberty, or property in such a manner as to  
14 shock the conscience, including but not limited to, unwarranted state interference in  
15 Plaintiff's familial relationship with her son, DECEDENT.

16 45. As a result of the excessive force by CALEB GARCIA  
17 ALAMILLADOES 1-3, and their failure to intervene, DECEDENT died. Plaintiffs  
18 ALEXANDRA RASEY-SMITH, GORDON GENE MACCANI, and JANET  
19 MACCANI were thereby deprived of their constitutional right of familial  
20 relationship with DECEDENT.

21 46. CALEB GARCIA ALAMILLADOES 1-3, acting under color of state  
22 law, thus violated the Fourteenth Amendment rights of ALEXANDRA RASEY-  
23 SMITH, GORDON GENE MACCANI, and JANET MACCANI to be free from  
24 unwarranted interference with their familial relationship with DECEDENT.

25 47. The aforementioned actions of CALEB GARCIA ALAMILLADOES  
26 1-3, along with other undiscovered conduct, shock the conscience, in that they acted  
27 with deliberate indifference to the constitutional rights of DECEDENT and  
28 Plaintiffs ALEXANDRA RASEY-SMITH, GORDON GENE MACCANI, and

1 JANET MACCANI and with purpose to harm unrelated to any legitimate law  
2 enforcement objective.

3 48. Defendants CALEB GARCIA ALAMILLADOES 1-3, acting under  
4 color of state law, thus violated the Fourteenth Amendment rights of DECEDENT  
5 and Plaintiffs.

6 49. As a direct and proximate cause of the acts of CALEB GARCIA  
7 ALAMILLADOES 1-3, DECEDENT experienced severe pain and suffering and  
8 lost his life and earning capacity. Plaintiffs suffered extreme and severe mental  
9 anguish and pain and have been injured in mind and body. Plaintiffs has also been  
10 deprived of the life-long love, companionship, comfort, support, society, care and  
11 sustenance of DECEDENT, and will continue to be so deprived for the remainder of  
12 their natural lives. Plaintiffs are also claiming funeral and burial expenses.

13 50. As a result of the conduct of CALEB GARCIA ALAMILLA ~~Does 1-3~~,  
14 ~~he is~~ they are liable for DECEDENT'S injuries, either because ~~he~~ they ~~was an~~ ere  
15 integral participants in the denial of due process, or because ~~he~~ they failed to  
16 intervene to prevent these violations.

17 51. The conduct of CALEB GARCIA ALAMILLA ~~DOES 1-3~~ was willful,  
18 wanton, malicious, and done with reckless disregard for the rights and safety of  
19 DECEDENT and Plaintiffs and therefore warrants the imposition of exemplary and  
20 punitive damages as to Defendant CALEB GARCIA ALAMILLADOES 1-3.

21 52. Plaintiffs brings this claim individually and seek wrongful death  
22 damages for the violation of Plaintiffs' rights.

23 53. Plaintiffs also seek attorney fees under this claim.

**FOURTH CLAIM FOR RELIEF**

**Battery (Cal. Govt. Code § 820)**

(Survival and Wrongful Death)

(By Plaintiff Alexandra Rasey-Smith against Defendants CALEB GARCIA

ALAMILLA and CITY~~DOES 1-3 and 11-13, County and State)~~

54. Plaintiffs repeats and realleges each and every allegation in paragraphs 1 through 53 of this Complaint with the same force and effect as if fully set forth herein.

55. CALEB GARCIA ALAMILLA~~DOES 1-3~~, while working as a police officers for the CITY's police department, and while acting within the course and scope of ~~his~~<sup>their</sup> duties, intentionally shot DECEDENT. As a result of the actions of CALEB GARCIA ALAMILLA~~DOES 1-3~~, DECEDENT suffered severe pain and suffering and ultimately died from his injuries and lost earning capacity. CALEB GARCIA ALAMILLA~~DOES 1-3~~ had no legal justification for using force against DECEDENT and said defendant's<sup>s</sup> use of force while carrying out ~~his~~<sup>their</sup> police officer duties was an unreasonable use of force. Especially since DECEDENT was only holding a plastic fork, and was not armed with a danggerous weapon like a knife or gun, DECEDENT never physically injured anyone during the incident, and there were less than lethal alternatives to using deadly force against DECEDENT.

56. As a direct and proximate result of Defendants' conduct as alleged above, Plaintiff suffered extreme and severe mental anguish and pain and has been injured in mind and body. Plaintiff also has been deprived of the life-long love, companionship, comfort, support, society, care and sustenance of her husband, DECEDENT, and will continue to be so deprived for the remainder of her natural life. Plaintiff is also claiming funeral and burial expenses and loss of financial support.

57. CITY is vicariously liable for the wrongful acts of CALEB GARCIA ALAMILLA~~DOES 1-3~~ pursuant to section 815.2(a) of the California Government Code, which provides that a public entity is liable for the injuries caused by its

1 employees within the scope of the employment if the employee's act would subject  
2 him or her to liability.

3 58. The conduct of CALEB GARCIA ALAMILLA ~~DOES 1-3~~ was  
4 malicious, wanton, oppressive, and accomplished with a conscious disregard for the  
5 rights of Plaintiff and DECEDENT, entitling Plaintiff, individually and as  
6 successors-in-interest to DECEDENT, to an award of exemplary and punitive  
7 damages.

8 59. Plaintiff brings this claim both individually and as a successors-in-  
9 interest to DECEDENT, and seek both survival damages, including pre-death pain  
10 and suffering, loss of life/enjoyment of life and wrongful death damages under this  
11 claim.

12  
13 **FIFTH CLAIM FOR RELIEF**  
14 **Negligence (Cal. Govt. Code § 820)**  
15 (Survival and Wrongful Death)

16 (By Plaintiff Alexandra Rasey-Smith against All Defendants)

17 60. Plaintiff repeats and realleges each and every allegation in paragraphs 1  
18 through 59 of this Complaint with the same force and effect as if fully set forth  
19 herein.

20 61. The actions and inactions of the Defendants were negligent and  
21 reckless, including but not limited to:

- 22 (a) the failure to properly and adequately assess the need to detain,  
23 arrest, and use force or deadly force against DECEDENT;  
24 (b) the negligent tactics and handling of the situation with  
25 DECEDENT, including pre-shooting negligence;  
26 (c) the negligent detention, arrest, and use of force, including deadly  
27 force, against Decedent;  
28

- 1 (d) failure to recognize that DECEDENT was holding a white plastic  
2 fork and not a dangerous weapon like a knife or a gun;  
3 (e) the failure to provide a verbal warning that deadly force would  
4 be used, despite being feasible to do so;  
5 (f) the failure to continue to use less than lethal alternatives to  
6 deadly force that were readily available to the involved officers;  
7 (e) the failure to summons and provide prompt medical care to  
8 Decedent;  
9 (f) the failure to properly train and supervise employees, both  
10 professional and non-professional, including CALEB GARCIA  
11 ALAMILLADOES 1-3;  
12 (g) the failure to ensure that adequate numbers of employees with  
13 appropriate education and training were available to meet the  
14 needs of and protect the rights of DECEDENT; and  
15 (h) the negligent handling of evidence and witnesses.

16 62. As a direct and proximate result of Defendants' conduct as alleged  
17 above, and other undiscovered negligent conduct, DECEDENT was caused to suffer  
18 severe pain and suffering and ultimately died and lost earning capacity. Further, as  
19 a direct and proximate result of Defendants' conduct as alleged above, Plaintiff  
20 suffered extreme and severe mental anguish and pain and has been injured in mind  
21 and body. Plaintiff also has been deprived of the life-long love, companionship,  
22 comfort, support, society, care and sustenance of DECEDENT, and will continue to  
23 be so deprived for the remainder of her natural life. Plaintiff also is claiming funeral  
24 and burial expenses and loss of financial support.

25 63. CITY is vicariously liable for the wrongful acts of CALEB GARCIA  
26 ALAMILLA DOES 1-3 pursuant to section 815.2 of the California Government  
27 Code, which provides that a public entity is liable for the injuries caused by its  
28

1 employees within the scope of the employment if the employee's act would subject  
2 him or her to liability.

3 64. Plaintiff brings this claim both individually and as successor in interest  
4 to DECEDENT and seek both wrongful death damages and survival damages under  
5 this claim, including pre-death pain and suffering.

6  
7 **SIXTH CLAIM FOR RELIEF**

8 **Violation of Bane Act (Cal. Civil Code § 52.1)**

9 (By Plaintiff Alexandra Rasey-Smith against CALEB GARCIA ALAMILLA Does  
10 1-3 and City)

11 65. Plaintiff repeat and reallege each and every allegation in paragraphs 1  
12 through 64 of this Complaint with the same force and effect as if fully set forth  
13 herein.

14 66. California Civil Code, Section 52.1 (the Bane Act), prohibits any  
15 person from interfering with another person's exercise or enjoyment of his  
16 constitutional rights by threats, intimidation, or coercion.

17 67. Conduct that violates the Fourth Amendment can also amount to  
18 conduct that violates the California Bane Act. CALEB GARCIA ALAMILLA's The  
19 ~~involved officers'~~ conduct, including the use of deadly force, constitutes threatening  
20 and intimidating behavior, meant to prevent DECEDENT from exercising both her  
21 federal and state rights.

22 68. Defendant CALEB GARCIA ALAMILLA ~~DOES 1-3~~ use of deadly  
23 force was excessive and unreasonable under the circumstances, especially since  
24 DECEDENT was only holding a white plastic fork and was not armed with a  
25 dangerous weapon like a knife or a gun, no one had suffered bodily and  
26 DECEDENT never attempted to obtain any of the involved officers' equipment or  
27 guns. Further, DECEDENT did not pose an imminent threat of death or serious  
28 bodily injury towards anyone when he was fatally shot and there were less than



1 lethal alternatives available which were not utilized before resorting to the use of  
2 deadly force. CALEB GARCIA ALAMILLA ~~The officers~~ also did not provide a  
3 verbal warning that deadly force would be used, prior to shooting DECEDENT,  
4 despite being feasible to do so. Defendants' actions thus deprived DECEDENT of  
5 his right to be free from unreasonable searches and seizures and to be free from  
6 having unreasonable and excessive force used against him. Defendants' actions  
7 violated DECEDENT's state and federal rights, including the right to be free from  
8 the use of excessive and unreasonable force. Further, CALEB GARCIA  
9 ALAMILLA ~~the involved officers~~ acted with a reckless disregard of constitutional  
10 and statutory rights of the Decedent, including the right to be free from having  
11 unreasonable and excessive deadly force used against him.

12 69. CALEB GARCIA ALAMILLA ~~The involved officers~~ intentionally  
13 used excessive and unreasonable deadly force against DECEDENT by recklessly  
14 disregarding the DECEDENT's right to be free from excessive force.

15 70. CALEB GARCIA ALAMILLA ~~DOES 1-3~~, while working as a police  
16 officers for the CITY's police department, and acting within the course and scope of  
17 ~~his~~ ~~their~~ duties, interfered with or attempted to interfere with the rights of  
18 DECEDENT to be free from unreasonable searches and seizures, to equal protection  
19 of the laws, to access to the courts, and to be free from state actions that shock the  
20 conscience, by threatening or committing acts involving violence, threats, coercion,  
21 or intimidation.

22 71. On information and belief, DECEDENT reasonably believed that if he  
23 exercised his rights, including his federal civil rights and state law rights, CALEB  
24 GARCIA ALAMILLA ~~DOES 1-3~~ would commit acts involving violence, threats,  
25 coercion, or intimidation against him.

26 72. On information and belief Defendant CALEB GARCIA  
27 ALAMILLA ~~DOES 1-3~~ injured DECEDENT to prevent him from exercising his  
28 rights or retaliated against Decedent for having exercised his rights.



1        73. DECEDENT was caused to suffer extreme pain and suffering and  
2 eventually suffered a loss of life and of earning capacity. Plaintiff has also been  
3 deprived of the life-long love, companionship, comfort, support, society, care, and  
4 sustenance of DECEDENT, and will continue to be so deprived for the remainder of  
5 her natural life. Plaintiff is also claiming funeral and burial expenses and a loss of  
6 financial support.

7        74. The conduct of CALEB GARCIA ALAMILLA ~~DOES 1-3~~ was a  
8 substantial factor in causing the harms, losses, injuries, and damages of  
9 DECEDENT and Plaintiff.

10        75. CITY is vicariously liable for the wrongful acts of CALEB GARCIA  
11 ALAMILLA ~~DOES 1-3~~ pursuant to section 815.2(a) of the California Government  
12 Code, which provides that a public entity is liable for the injuries caused by its  
13 employees within the scope of the employment if the employee's act would subject  
14 him or her to liability.

15        76. The conduct of CALEB GARCIA ALAMILLA ~~DOES 1-3~~ was  
16 malicious, wanton, oppressive, and accomplished with a conscious disregard for the  
17 rights of DECEDENT entitling Plaintiff to an award of exemplary and punitive  
18 damages.

19        77. Plaintiff brings this claim in a representative capacity as the successors-  
20 in-interest to DECEDENT, and seek survival damages, including for pre-death pain  
21 and suffering and loss of life/enjoyment of life for the violation of DECEDENT's  
22 rights.

23        78. The Plaintiff also seeks statutory attorney's fees under this claim,  
24 including a multiplier as permitted by law.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs request entry of judgment in her favor and against Defendants City of Los Angeles, -CALEB GARCIA ALAMILLA and Does 24-10, inclusive, as follows:

- A. For compensatory damages, including both survival damages, including pain and suffering and loss of life/enjoyment of life and wrongful death damages under state law and federal law, in the amount to be proven at trial;
- B. For funeral and burial expenses and loss of financial support;
- C. For punitive damages against the individual defendants in an amount to be proven at trial;
- D. For interest;
- E. For treble damages under Civil Code Section 52.1.
- F. For reasonable costs of this suit and attorneys' fees; and
- G. For such further other relief as the Court may deem just, proper, and appropriate.

DATED: January-April 14, 2025 4LAW OFFICES OF DALE K. GALIPO

By \_\_\_\_\_  
Dale K. Galipo  
Eric Valenzuela  
Attorneys for Plaintiffs

**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a trial by jury.

DATED: January~~April~~ 14~~15~~, 2025~~4~~ LAW OFFICES OF DALE K. GALIPO

By \_\_\_\_\_  
Dale K. Galipo  
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